

# Exhibit D

**From:** [Adam Moskowitz](#)  
**To:** [Joseph Kaye](#)  
**Subject:** FW: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Joint Scheduling Report)  
**Date:** Wednesday, March 8, 2023 1:16:33 PM

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**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Joint Scheduling Report)

Hello Mr. Moskowitz,

A few days ago, I learned from the business manager of my client, Naomi Osaka, that you were attempting to serve her with a summons and complaint in this matter. This was the first time

anyone affiliated with my client became aware of any efforts to serve her with anything. I contacted the process server, which resulted in a phone call from Joseph Kaye of your office. I agreed that your firm could send me the documents and we would review them and discuss acceptance of service. Mr. Kaye just sent me the documents, and a waiver of service form, on Monday afternoon. We have not yet accepted service, have not made any appearance in the case, and have not yet even determined who will be representing Ms. Osaka in this matter.

In light of the foregoing, please do not represent that you have "served" our client until that has actually occurred. Also, we do not know what deadlines you are facing in the case, but since we are not yet even involved, we will assume that no such deadlines are applicable to our client.

Thanks very much for your anticipated courtesy and cooperation as we review the materials you sent on Monday afternoon. We will review them in due course and revert back to you soon.

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**From:** Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>

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**Subject:** Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Joint Scheduling Report)

**Caution: External Email**

**To all FTX Defendants and their Counsel:**

All of you should have reviewed the recent Order by Judge Moore, which requires the Parties to comply with the prior Order and file the Joint Scheduling Order by this Friday. Attached is a fully drafted JSO and we certainly look forward to reviewing your revisions, suggestions and/or edits this week. Please let us know if you have selected one (or more) counsel to serve as Liaison Counsel, but in the abundance of caution, we have copied all counsel (and *pro se*) of record.

We have spent great efforts (4 different service companies) trying to get all of you served with our Complaint. Since we filed this action many weeks ago, we appreciate that many of you have been cooperative, have proactively accepted service of the complaint, and have entered your appearances. Others have been more difficult to serve and are now joining these proceedings, either *pro se* or through counsel. Only one, however, has chosen instead to evade service, in order to draw out these proceedings, or to otherwise attempt to avoid answering for these allegations.

In any event, Defendants have now been served and are before the Court (or will soon be). The sole remaining Defendant to accept service of the complaint is Defendant Mr. Shaquille O'Neal, who we know has discussed the existence of this case, but is apparently still actively evading service, refusing to answer his home door when approached by our process servers. We have reached out to his last known litigation counsel, and if any defense counsel are aware of who will represent Mr. O'Neal in this action (or are in contact with Mr. O'Neal), please forward this email to them, so we can ensure all Defendants are served and join in this Meet and Confer.

In furtherance of this goal, and in accordance with the Court's Order, attached for Defendants' review and input is a draft proposed Joint Conference Report and proposed Scheduling Order. We have included Plaintiffs' position and designated areas for Defendants to include their respective positions, to the extent they differ from Plaintiffs'. Please advise when there are points that are not in dispute so we can revise those points to be made jointly.

We will hold the Joint Scheduling Conference to discuss the report **via Zoom on Thursday at 1:00pm EST**, so we can all discuss any and all points in dispute and finalize the report for filing by Friday afternoon, as Ordered by the Court. We will send a calendar invite with Zoom information to each of you, so please forward the instructions to anyone and everyone that you know will be involved in this matter, but are not copied on this email.

Thank you,

Adam Moskowitz and David Boies

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